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AMENDED IN ASSEMBLY APRIL 23, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

## ASSEMBLY BILL

**No. 181**

**Introduced by Assembly Member Bonilla**

(Principal coauthor: Senator Hill)

January 26, 2015

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An act to amend Sections 5055, 5070.1, 5087, 6735, 7083, 7200, 7200.5, 7200.7, 7201, 7202, 7208, 7209, 7209.5, 7210.5, 7211.1, 7211.2, 7215, 7215.5, 7217, 7303, 7303.2, 7313, 7395.1, 7401, 7404, ~~and 7407~~ 7407, 7685, 7818, 8508, 8513, 8552, 8611, and 17913 of, to add Sections 7314.3 and 7402.5 to, and to repeal Sections ~~7304 and 7308~~ 7304, 7308, and 8516.5 of, the Business and Professions Code, and to amend Section 13995.40 of the Government Code, relating to ~~professions and vocations~~ *business and professions*.

### LEGISLATIVE COUNSEL'S DIGEST

AB 181, as amended, Bonilla. ~~Professions and vocations: barbering and cosmetology. Business and professions.~~

The

*(1) Existing law provides for the practice of accountancy by the California Board of Accountancy. Existing law, until January 1, 2019, authorizes an individual whose principal place of business is not in this state and who has a valid and current license, certificate, or permit to practice public accountancy from another state to engage in the practice*

*of public accountancy in this state under a practice privilege without obtaining a certificate or license subject to specified requirements. Existing law provides that an accountant whose license was canceled by operation of law, after nonrenewal, as specified, may, upon application to the board and meeting specified requirements, have his or her license placed into a retired status.*

*This bill would authorize an individual practicing public accountancy in this state under a practice privilege to be styled and known as a “certified public accountant” and use the abbreviation “C.P.A.” The bill would prohibit the board from restoring that license in retired status to active or inactive status and instead would require the individual to apply for a new license in order to restore his or her license.*

*Existing law authorizes the board to issue a certified public accountant (CPA) license to an applicant who holds a valid and unrevoked CPA license in another state, under specified conditions.*

*This bill would require that an out-of-state applicant hold a current, active, and unrestricted CPA license in order to be issued a CPA license under this provision.*

*(2) The Professional Engineers Act provides for the regulation and licensure of professional engineers by the Board for Professional Engineers, Land Surveyors, and Geologists. A violation of the licensing provisions of the act is a misdemeanor. Existing law requires all civil engineering plans, calculations, specifications, and reports to be prepared by, or under the responsible charge of, a licensed civil engineer, as specified. Existing law requires all civil engineering plans, calculations, specifications, and reports for the construction of all public school structures to be prepared by, or under the responsible charge of, a licensed architect or a licensed civil engineer who is also licensed as a structural engineer. Existing law requires all civil engineering plans, calculations, specifications, and reports for the construction of all hospitals and other medical facilities having surgery and emergency treatment areas to be prepared by, or under the responsible charge of, a licensed civil engineer who is also licensed as a structural engineer.*

*This bill would repeal the requirements that all civil engineering plans and other specified documents for construction of public school structures be prepared by, or under the responsible charge of, a licensed architect or a licensed civil engineer who is also licensed as a structural engineer. The bill would also repeal the requirements that all civil engineering plans and other specified documents for construction of*

*specified hospital and medical facilities be prepared by, or under the responsible charge of, a licensed civil engineer who is also licensed as a structural engineer.*

*(3) Existing law establishes within the Department of Consumer Affairs a State Board of Guide Dogs for the Blind, which consists of 7 members appointed by the Governor. Existing law authorizes the board to issue licenses for guide dog training and instructional services. A violation of these licensing provisions is a misdemeanor.*

*This bill would also include dogs trained and provided for visually impaired persons within these licensing requirements. The bill would change reporting requirements from a calendar year to a fiscal year period and would make technical changes.*

*(4) The Barbering and Cosmetology Act provides for the licensure and regulation, including inspection, of barbers and cosmetologists by the State Board of Barbering and Cosmetology in the Department of Consumer Affairs. Existing law requires that the board consist of certain members, and authorizes the board to appoint an executive officer. Under existing law, these provisions are repealed on January 1, 2016.*

*This bill would extend the operation of the board and the executive officer to January 1, 2020.*

*Existing law also requires the board to conduct specified reviews and reports by various dates in the past.*

*This bill would delete those requirements and would require the board, no later than November 1, 2018, to conduct specified reviews regarding training and examinations and report its findings to specified committees of the Legislature. The bill would require the board to establish a protocol for inspecting establishments when an inspector has difficulty understanding or communicating with the owner, manager, or employees of the establishment due to language barriers, and to evaluate the protocol every two years to ensure that it remains current. The bill would require the board to establish a Health and Safety Advisory Committee to provide the board with advice and recommendations on health and safety issues before the board. The bill would also require the board to issue regulations for a personal service permit, as defined, that, among other things, may require an applicant for a personal service permit to have proof of liability insurance, and would authorize fees for the issuance and renewal of a personal service permit. The bill would require the board to report to the Legislature, on or before July 1, 2017, as specified, regarding the regulatory process and the issuance of personal*

service permits. The bill would also make technical, nonsubstantive changes to these provisions.

(5) *Under the Funeral Directors and Embalmers Law, the Cemetery and Funeral Bureau regulates licensed funeral establishments and requires that they be operated by a licensed funeral director who is required to provide written information regarding funeral goods and services and prices to consumers. Existing law requires a funeral establishment that maintains an Internet Web site to also post that information on its Internet Web site provided by a link from the homepage. A violation of these provisions is a misdemeanor.*

*This bill would require that the funeral establishment's Internet Web site contain specified key words.*

(6) *Existing law provides for the licensure and regulation of structural pest control operators and registered companies by the Structural Pest Control Board. The California Constitution provides that laborers of every class who have worked upon or have furnished material for a property have a lien upon that property for the value of the labor done and material furnished. The California Constitution requires the Legislature to provide, by law, for the speedy and efficient enforcement of those liens. Existing law requires specified registered companies to provide notice regarding possible liens, as specified, to the owner of property prior to entering into a contract to provide work on that property. A violation of these provisions is a misdemeanor.*

*This bill would extend the notice requirements to all registered companies.*

*Existing law requires a structural pest control operator to provide a report detailing the results of an inspection for wood destroying pests or organisms prior to commencing work on a contract or expressing an opinion regarding the presence or absence of wood destroying pests or organisms, to the Structural Pest Control Board, within the Department of Consumer Affairs, as specified. Existing law requires that the pest control operator deliver a copy of the report to the person requesting inspection, or designated agent, within 10 business days of the inspection. Existing law requires a pest control operator to deliver a copy of that report to the owner or the owner's agent within 10 working days of an inspection.*

*This bill would remove the requirement that the pest control operator provide the owner of the property or the owner's agent with a copy of the report, unless the owner was the person who requested the inspection.*

(7) Existing law creates the California Travel and Tourism Commission and provides for the membership and meetings of the commission.

This bill would specify that all meetings of the commission take place in California and would authorize commissioners to attend meetings of the commission by conference telephone or other technology.

(8) This bill would make various other nonsubstantive changes.

(9) Because this bill would expand the definition of a crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

SECTION 1. Section 5055 of the Business and Professions Code is amended to read:

5055. Any person who has received from the board a certificate of certified public ~~accountant~~ accountant, or who is authorized to practice public accountancy in this state pursuant to Article 5.1 (commencing with Section 5096), may, subject to Section 5051, be styled and known as a “certified public accountant” and may also use the abbreviation “C.P.A.” No other person, except a firm registered under this chapter, shall assume or use that title, designation, or abbreviation or any other title, designation, sign, card, or device tending to indicate that the person using it is a certified public accountant.

SEC. 2. Section 5070.1 of the Business and Professions Code is amended to read:

5070.1. (a) The board may establish, by regulation, a system for the placement of a license into a retired status, upon application, for certified public accountants and public accountants who are not actively engaged in the practice of public accountancy or any activity ~~which~~ that requires them to be licensed by the board.

(b) No licensee with a license in a retired status shall engage in any activity for which a permit is required.

(c) The board shall deny an applicant's application to place a license in a retired status if the permit is subject to an outstanding order of the board, is suspended, revoked, or otherwise punitively restricted by the board, or is subject to disciplinary action under this chapter.

(d) (1) The holder of a license that was canceled pursuant to Section 5070.7 may apply for the placement of that license in a retired status pursuant to subdivision (a).

(2) Upon approval of an application made pursuant to paragraph (1), the board shall reissue that license in a retired status.

(3) The holder of a canceled license that was placed in retired status between January 1, 1994, and January 1, 1999, inclusive, shall not be required to meet the qualifications established pursuant to subdivision (e), but shall be subject to all other requirements of this section.

(e) The board shall establish minimum qualifications to place a license in retired status.

(f) The board may exempt the holder of a license in a retired status from the renewal requirements described in Section 5070.5.

(g) The board shall establish minimum qualifications for the restoration of a license in a retired status to an active status. These minimum qualifications shall include, but are not limited to, continuing education and payment of a fee as provided in subdivision (h) of Section 5134.

*(h) The board shall not restore to active or inactive status a license that was canceled by operation of law, pursuant to subdivision (a) of Section 5070.7, and then placed into retired status pursuant to subdivision (d). The individual shall instead apply for a new license, as described in subdivision (c) of Section 5070.7, in order to restore his or her license.*

*SEC. 3. Section 5087 of the Business and Professions Code is amended to read:*

5087. (a) The board may issue a certified public accountant license to any applicant who is a holder of a ~~valid and unrevoked~~ *current, active, and unrestricted* certified public accountant license issued under the laws of any state, if the board determines that the standards under which the applicant received the license are substantially equivalent to the standards of education, examination,

1 and experience established under this chapter and the applicant  
2 has not committed acts or crimes constituting grounds for denial  
3 under Section 480. To be authorized to sign reports on attest  
4 engagements, the applicant shall meet the requirements of Section  
5 5095.

6 (b) The board may in particular cases waive any of the  
7 requirements regarding the circumstances in which the various  
8 parts of the examination were to be passed for an applicant from  
9 another state.

10 *SEC. 4. Section 6735 of the Business and Professions Code is*  
11 *amended to read:*

12 6735. (a) All civil (including structural and geotechnical)  
13 engineering plans, calculations, specifications, and reports  
14 (hereinafter referred to as “documents”) shall be prepared by, or  
15 under the responsible charge of, a licensed civil engineer and shall  
16 include his or her name and license number. Interim documents  
17 shall include a notation as to the intended purpose of the document,  
18 such as “preliminary,” “not for construction,” “for plan check  
19 only,” or “for review only.” All civil engineering plans and  
20 specifications that are permitted or that are to be released for  
21 construction shall bear the signature and seal or stamp of the  
22 licensee and the date of signing and sealing or stamping. All final  
23 civil engineering calculations and reports shall bear the signature  
24 and seal or stamp of the licensee, and the date of signing and  
25 sealing or stamping. If civil engineering plans are required to be  
26 signed and sealed or stamped and have multiple sheets, the  
27 signature, seal or stamp, and date of signing and sealing or  
28 stamping shall appear on each sheet of the plans. If civil  
29 engineering specifications, calculations, and reports are required  
30 to be signed and sealed or stamped and have multiple pages, the  
31 signature, seal or stamp, and date of signing and sealing or  
32 stamping shall appear at a minimum on the title sheet, cover sheet,  
33 or signature sheet.

34 ~~(b) (1) All civil engineering plans, calculations, specifications,~~  
35 ~~and reports for the construction of structures described in paragraph~~  
36 ~~(2) shall be prepared by, or under the responsible charge of, a~~  
37 ~~licensed architect holding a valid certificate under Chapter 3~~  
38 ~~(commencing with Section 5500) or a licensed civil engineer who~~  
39 ~~is also licensed as a structural engineer in accordance with Section~~  
40 ~~6736.~~

1     ~~(2) All public school structures, as provided under Chapter 3~~  
2     ~~(commencing with Section 17251) of Part 10.5 of Division 1 of~~  
3     ~~Title 1 of the Education Code.~~

4     ~~(e) (1) All civil engineering plans, calculations, specifications,~~  
5     ~~and reports for the construction of the structures described in~~  
6     ~~paragraph (2) shall be prepared by, or under the responsible charge~~  
7     ~~of, a licensed civil engineer who is also licensed as a structural~~  
8     ~~engineer in accordance with Section 6736.~~

9     ~~(2) Hospitals and other medical facilities having surgery and~~  
10    ~~emergency treatment areas, as provided under Part 7 (commencing~~  
11    ~~with Section 129675) of Division 107 of the Health and Safety~~  
12    ~~Code.~~

13    ~~(d)~~

14    ~~(b) Notwithstanding subdivision (a) or (b), (a),~~ a licensed civil  
15    engineer who signs civil engineering documents shall not be  
16    responsible for damage caused by subsequent changes to or uses  
17    of those documents, if the subsequent changes or uses, including  
18    changes or uses made by state or local governmental agencies, are  
19    not authorized or approved by the licensed civil engineer who  
20    originally signed the documents, provided that the engineering  
21    service rendered by the civil engineer who signed the documents  
22    was not also a proximate cause of the damage.

23    *SEC. 5. Section 7083 of the Business and Professions Code is*  
24    *amended to read:*

25    7083. ~~At~~ *(a) Notwithstanding any other law,* licensees shall  
26    notify the registrar, on a form prescribed by the registrar, in writing  
27    within 90 days of any change to information recorded under this  
28    chapter. This notification requirement shall include, but not be  
29    limited to, changes in business address, personnel, business name,  
30    qualifying individual bond exemption pursuant to Section 7071.9,  
31    or exemption to qualify multiple licenses pursuant to Section  
32    7068.1.

33    ~~(b) Failure of the licensee to notify the registrar of any change~~  
34    ~~to information within 90 days shall cause the change to be effective~~  
35    ~~the date the written notification is received at the board's~~  
36    ~~headquarters office.~~

37    ~~(c) Failure to notify the registrar of the changes within the 90~~  
38    ~~days is grounds for disciplinary action.~~

39    *SEC. 6. Section 7200 of the Business and Professions Code is*  
40    *amended to read:*



7200. (a) There is in the Department of Consumer Affairs a State Board of Guide Dogs for the Blind in whom enforcement of this chapter is vested. The board shall consist of seven members appointed by the Governor. One member shall be the Director of Rehabilitation or his or her designated representative. The remaining members shall be persons who have shown a particular interest in dealing with the problems of ~~the blind~~, *persons who are blind or visually impaired* and at least two of them shall be ~~blind~~ *persons who are blind or visually impaired who use guide dogs*.

(b) This section shall remain in effect only until January 1, 2018, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2018, deletes or extends that date. Notwithstanding any other law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.

*SEC. 7. Section 7200.5 of the Business and Professions Code is amended to read:*

7200.5. The board shall have exclusive authority in this state to issue licenses for the instruction of ~~blind~~ *persons who are blind or visually impaired* in the use of guide dogs and for the training of guide dogs for use by ~~blind persons~~, *persons who are blind or visually impaired*. It shall also have exclusive authority in this state to issue licenses to operate schools for the training of guide dogs ~~for the blind~~, and the instruction of ~~blind~~ *persons who are blind or visually impaired* in the use of guide dogs.

*SEC. 8. Section 7200.7 of the Business and Professions Code is amended to read:*

7200.7. A fee equal to no more than 0.005 of all school expenses incurred in the most recently concluded ~~school calendar~~ *fiscal* year, as specified in the audit required under Section 7217, shall be paid no later than April 30 of each year for renewal of a school's license pursuant to Section 7200.5. The board shall, by regulation, define the exact amount of the fee. All fees collected pursuant to this section shall be deposited into the Guide Dogs for the Blind Fund, which is hereby created.

*SEC. 9. Section 7201 of the Business and Professions Code is amended to read:*

7201. No person shall be eligible to membership in the board who is a stockholder in, or an owner of, or financially interested directly or indirectly, in any company, organization, or concern

1 supplying, delivering, or furnishing any guide dogs for use by the  
2 ~~blind persons who are blind or visually impaired.~~

3 SEC. 10. Section 7202 of the Business and Professions Code  
4 is amended to read:

5 7202. Each of the appointed members of the board shall hold  
6 office for a term of four years and until his *or her* successor is  
7 appointed and qualified or until one year shall have elapsed since  
8 the expiration of the term for which he *or she* was appointed,  
9 whichever first occurs. No person shall serve as an appointed  
10 member of the board for more than two consecutive terms, but this  
11 provision shall not apply to any member in office at the time this  
12 provision takes effect. *terms.*

13 SEC. 11. Section 7208 of the Business and Professions Code  
14 is amended to read:

15 7208. Pursuant to the provisions of the Administrative  
16 Procedure Act the board may make such rules and regulations as  
17 are reasonably necessary to:

18 (a) Govern the procedure of the board.

19 (b) Govern the admission of applicants for examination for  
20 license to instruct ~~blind persons who are blind or visually impaired~~  
21 in the use of guide dogs or to engage in the business of training,  
22 selling, hiring, or being in the business of supplying guide dogs  
23 for the ~~blind persons who are blind or visually impaired.~~

24 (c) Govern the operation of schools which furnish guide dogs  
25 and train ~~blind persons who are blind or visually impaired~~ to use  
26 guide dogs.

27 (d) The reissuance of licenses.

28 (e) The reexamination of licensees.

29 SEC. 12. Section 7209 of the Business and Professions Code  
30 is amended to read:

31 7209. A person to be eligible for examination as an instructor  
32 must ~~(1)~~ (a) have a knowledge of the special problems of the ~~blind~~  
33 ~~persons who are blind or visually impaired~~ and how to teach them,  
34 ~~(2)~~ (b) be able to demonstrate by actual blindfold test under traffic  
35 conditions his *or her* ability to train guide dogs with whom a ~~blind~~  
36 ~~person~~ *persons who are blind or visually impaired* would be safe,  
37 ~~(3)~~ (c) be suited temperamentally and otherwise to instruct ~~blind~~  
38 ~~persons who are blind or visually impaired~~ in the use of guide  
39 dogs, and ~~(4)~~ (d) have had at least three years' actual experience,  
40 comprising such number of hours as the board may require, as an

1 instructor, and have handled ~~twenty-two (22) man-dog~~ 22  
2 *person-dog* units; or its equivalent, as determined by the board, as  
3 an apprentice under a licensed instructor or under an instructor in  
4 a school satisfactory to the board.

5 *SEC. 13. Section 7209.5 of the Business and Professions Code*  
6 *is amended to read:*

7 7209.5. Except as the context otherwise requires, as used in  
8 this chapter the term “instructor” means a person who instructs  
9 ~~blind~~ persons *who are blind or visually impaired* in the use of  
10 guide dogs or who engages in the business of training, selling,  
11 hiring, or supplying guide dogs for ~~the blind~~. *persons who are*  
12 *blind or visually impaired.*

13 *SEC. 14. Section 7210.5 of the Business and Professions Code*  
14 *is amended to read:*

15 7210.5. It is unlawful to solicit funds for any person purporting  
16 to provide guide dogs for ~~the blind~~ *persons who are blind or*  
17 *visually impaired* in this state unless the person for whose benefit  
18 the solicitation is made holds a valid and unimpaired license issued  
19 by the State Board of Guide Dogs for the Blind.

20 As used in this section “person” means an individual, firm,  
21 partnership, association, corporation, limited liability company,  
22 or cooperative association.

23 *SEC. 15. Section 7211.1 of the Business and Professions Code*  
24 *is amended to read:*

25 7211.1. (a) As a condition of renewal of an instructor’s license,  
26 the instructor shall provide proof of completion of not less than 8  
27 hours of continuing education. The board shall determine the form  
28 of proof.

29 (b) Continuing education shall meet the criteria specified in  
30 Section 166, and shall be in one or more of the following subject  
31 matter areas:

- 32 (1) Blindness and mobility.  
33 (2) Health issues relating to blindness.  
34 (3) ~~Instructing blind persons~~. *persons who are blind or visually*  
35 *impaired.*  
36 (4) Care and training of dogs.

37 ~~(e) This section shall apply to renewal of instructors’ licenses~~  
38 ~~which expire on or after June 30, 1996.~~

39 *SEC. 16. Section 7211.2 of the Business and Professions Code*  
40 *is amended to read:*

7211.2. A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this article. The board may order the license suspended or revoked, or may decline to issue a license, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his *or her* plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, ~~information~~ *information*, or indictment.

*SEC. 17. Section 7215 of the Business and Professions Code is amended to read:*

7215. No person shall sell, give, or furnish any guide dog to a ~~blind~~ person *who is blind or visually impaired* unless the following requirements have been met:

- (a) The dog has been immunized against distemper and rabies.
- (b) The dog has been spayed or neutered.
- (c) The dog has been examined by a licensed veterinarian and found to be in good health.

A certificate from a veterinarian certifying to the foregoing shall be delivered to the recipient of the dog at the time the dog is assigned to a client.

*SEC. 18. Section 7215.5 of the Business and Professions Code is amended to read:*

7215.5. (a) During the first year following the successful training of each person-dog unit, and release from a guide dog training school of the trained person supplied with a guide dog, the school may retain title to the trained dog. During this probationary year, the school may enter into a contractual agreement with the user of the dog describing the conditions under which the user may maintain the status of legal custodian of the dog. During the probationary year, the school, acting in what it deems to be the best interest of the user, the dog, or the public, may temporarily or permanently resume possession of the dog.

(b) Within 15 days after the end of each ~~calendar~~ *fiscal* year, each licensed school shall report to the board the following:

- (1) The number of dog ownership titles transferred to dog users pursuant to this section during the calendar year.

1 (2) The number of title recoveries and repossessions made by  
2 the school pursuant to this section during the calendar year.

3 (3) The number, type, and amount of charges assessed for  
4 followup training, instruction, veterinary, or boarding services,  
5 pursuant to this section, which make a distinction between users  
6 who have acquired title to their dogs and users who have not  
7 acquired title.

8 (4) The views of the governing entity of the school as to any  
9 problems or concerns relative to compliance with the provisions  
10 of this section, along with recommendations for appropriate  
11 legislative or administrative changes commensurate with the  
12 purposes of this section.

13 (c) Immediately upon completion of the first year following the  
14 successful training referred to above, if the training school and the  
15 dog user are mutually satisfied with the operation of the person-dog  
16 unit, title to the dog shall be transferred to the ~~blind~~ user *who is*  
17 *blind or visually impaired* if the user so desires. Transfer of title  
18 shall be evidenced by a transfer of title agreement executed by  
19 both parties thereto. The school may retain an option to recover  
20 title and possession to the guide dog subject to conditions described  
21 in the transfer of title agreement. These conditions may include,  
22 but are not limited to, the following:

23 (1) If in the school's opinion, the guide dog is being misused  
24 or neglected or mistreated by its ~~blind user~~ *user who is blind or*  
25 *visually impaired*.

26 (2) If the ~~blind person~~ user to whom the dog was furnished has  
27 ceased to use the dog as a guide and the dog is not too old to be  
28 retrained as a guide for another ~~blind person~~ *person who is blind*  
29 *or visually impaired*.

30 (3) If, in the school's opinion, the dog is no longer a safe guide  
31 and the user refuses to cease using the dog as a guide after being  
32 requested by the school to cease this use.

33 (d) The guide dog school shall make no distinction as to the  
34 quality or extent of followup or supportive services available to  
35 its blind graduates based on whether they elect to acquire title to  
36 their dogs or allow title to remain with the school after the  
37 probationary year. The school may, however, make this distinction  
38 when assessing reasonable and appropriate charges for followup  
39 training, instruction, veterinary, or boarding services.

1 (e) No applicant for admission to a guide dog training school,  
2 nor any enrolled student, shall be required by the school prior to  
3 completion of his or her training to sign any instrument or to  
4 announce his or her intention regarding transfer of title of the dog  
5 from the school to himself or herself upon completion of the  
6 training and probation period.

7 *SEC. 19. Section 7217 of the Business and Professions Code*  
8 *is amended to read:*

9 7217. (a) Within 60 days after the ~~end of a calendar year or~~  
10 ~~after the~~ termination of the fiscal year of a school, there shall be  
11 furnished to the board the following:

12 (1) A list of students accepted for training and those who have  
13 completed training.

14 (2) A list of the number of dogs trained.

15 (b) Within 90 days after the end of a ~~calendar~~ *fiscal* year, there  
16 shall be furnished to the board an independent audit of the school's  
17 finances by a certified public accountant licensed by this state.

18 ~~SECTION 1.~~

19 *SEC. 20. Section 7303 of the Business and Professions Code*  
20 *is amended to read:*

21 7303. (a) Notwithstanding Article 8 (commencing with Section  
22 9148) of Chapter 1.5 of Part 1 of Division 2 of Title 2 of the  
23 Government Code, there is in the Department of Consumer Affairs  
24 the State Board of Barbering and Cosmetology in which the  
25 administration of this chapter is vested.

26 (b) The board shall consist of nine members. Five members  
27 shall be public members, and four members shall represent the  
28 professions. The Governor shall appoint three of the public  
29 members and the four professional members. The Senate  
30 Committee on Rules and the Speaker of the Assembly shall each  
31 appoint one public member. Members of the board shall be  
32 appointed for a term of four years, except that of the members  
33 appointed by the Governor, two of the public members and two  
34 of the professions members shall be appointed for an initial term  
35 of two years. No board member may serve longer than two  
36 consecutive terms.

37 (c) The board may appoint an executive officer who is exempt  
38 from civil service. The executive officer shall exercise the powers  
39 and perform the duties delegated by the board and vested in him  
40 or her by this chapter. The appointment of the executive officer is

1 subject to the approval of the director. In the event that a newly  
2 authorized board replaces an existing or previous bureau, the  
3 director may appoint an interim executive officer for the board  
4 who shall serve temporarily until the new board appoints a  
5 permanent executive officer.

6 (d) The executive officer shall provide examiners, inspectors,  
7 and other personnel necessary to carry out the provisions of this  
8 chapter.

9 (e) This section shall remain in effect only until January 1, 2020,  
10 and as of that date is repealed, unless a later enacted statute, that  
11 is enacted before January 1, 2020, deletes or extends that date.  
12 Notwithstanding any other law, the repeal of this section renders  
13 the board subject to review by the appropriate policy committees  
14 of the Legislature.

15 ~~SEC. 2.~~

16 *SEC. 21.* Section 7303.2 of the Business and Professions Code  
17 is amended to read:

18 7303.2. The board shall conduct the following reviews, and  
19 shall report its findings and recommendations to the Assembly  
20 Committee on Business and Professions and the Senate Committee  
21 on Business, Professions, and Economic Development no later  
22 than November 1, 2018:

23 (a) The board, pursuant to Section 139, shall review the  
24 1,600-hour training requirement for cosmetologists, conduct an  
25 occupational analysis of the cosmetology profession in California,  
26 and conduct a review of the national written examination for  
27 cosmetologists and of the practical examination, in order to  
28 evaluate whether both examinations assess critical competencies  
29 for California cosmetologists and meet professional testing  
30 standards.

31 (b) The board shall review the Spanish language examination  
32 if, by January 1, 2016, the pass rate for Spanish speakers did not  
33 increase to the average pass rate for all other language examinations  
34 during the two-year period prior to January 1, 2016.

35 ~~SEC. 3.~~

36 *SEC. 22.* Section 7304 of the Business and Professions Code  
37 is repealed.

38 ~~SEC. 4.~~

39 *SEC. 23.* Section 7308 of the Business and Professions Code  
40 is repealed.

1     ~~SEC. 5.~~

2     ~~SEC. 24.~~ Section 7313 of the Business and Professions Code  
3 is amended to read:

4     7313. (a) (1) To ensure compliance with the laws and  
5 regulations of this chapter, the board's executive officer and  
6 authorized representatives shall, except as provided by Section  
7 159.5, have access to, and shall inspect, any establishment or  
8 mobile unit during business hours or at any time in which  
9 barbering, cosmetology, or electrolysis are being performed. It is  
10 the intent of the Legislature that inspections be conducted on  
11 Saturdays and Sundays as well as weekdays, if collective  
12 bargaining agreements and civil service provisions permit.

13     (2) The board shall maintain a program of random and targeted  
14 inspections of establishments to ensure compliance with applicable  
15 laws relating to the public health and safety and the conduct and  
16 operation of establishments. The board or its authorized  
17 representatives shall inspect establishments to reasonably determine  
18 compliance levels and to identify market conditions that require  
19 targeted enforcement. The board shall not reduce the number of  
20 employees assigned to perform random inspections, targeted  
21 inspections, and investigations relating to field operations below  
22 the level funded by the annual Budget Act and described in  
23 supporting budget documents, and shall not redirect funds or  
24 personnel-years allocated to those inspection and investigation  
25 purposes to other purposes.

26     (b) To ensure compliance with health and safety requirements  
27 adopted by the board, the executive officer and authorized  
28 representatives shall, except as provided in Section 159.5, have  
29 access to, and shall inspect the premises of, all schools in which  
30 the practice of barbering, cosmetology, or electrolysis is performed  
31 on the public. Notices of violation shall be issued to schools for  
32 violations of regulations governing conditions related to the health  
33 and safety of patrons. Each notice shall specify the section violated  
34 and a timespan within which the violation must be corrected. A  
35 copy of the notice of violation shall be provided to the Bureau for  
36 Private Postsecondary Education.

37     (c) With prior written authorization from the board or its  
38 executive officer, any member of the board may enter and visit,  
39 in his or her capacity as a board member, any establishment, during  
40 business hours or at any time when barbering, cosmetology, or



1 electrolysis is being performed. The visitation by a board member  
2 shall be for the purpose of conducting official board business, but  
3 shall not be used as a basis for any licensing disciplinary action  
4 by the board.

5 (d) The board shall adopt a protocol for inspecting  
6 establishments when an inspector has difficulty understanding or  
7 communicating with the owner, manager, or employees of the  
8 establishment due to language barriers. The board shall evaluate  
9 the protocol every two years to ensure the protocol remains current.

10 ~~SEC. 6.~~

11 *SEC. 25.* Section 7314.3 is added to the Business and  
12 Professions Code, to read:

13 7314.3. The board shall establish a Health and Safety Advisory  
14 Committee to provide the board with advice and recommendations  
15 on health and safety issues before the board.

16 ~~SEC. 7.~~

17 *SEC. 26.* Section 7395.1 of the Business and Professions Code  
18 is amended to read:

19 7395.1. (a) A student who is enrolled in a school of  
20 cosmetology approved by the Bureau for Private Postsecondary  
21 Education in a course approved by the board may, upon completion  
22 of a minimum of 60 percent of the clock hours required for  
23 graduation in the course, work as an unpaid extern in a cosmetology  
24 establishment participating in the educational program of the school  
25 of cosmetology.

26 (b) A person working as an extern shall receive clock hour credit  
27 toward graduation, but that credit shall not exceed eight hours per  
28 week and shall not exceed 10 percent of the total clock hours  
29 required for completion of the course.

30 (c) The externship program shall be conducted in cosmetology  
31 establishments meeting all of the following criteria:

32 (1) The establishment is licensed by the board.

33 (2) The establishment has a minimum of four licensees working  
34 at the establishment, including employees and owners or managers.

35 (3) All licensees at the establishment are in good standing with  
36 the board.

37 (4) Licensees working at the establishment work for salaries or  
38 commissions rather than on a space rental basis.

39 (5) No more than one extern shall work in an establishment for  
40 every four licensees working in the establishment. No regularly

1 employed licensee shall be displaced or have his or her work hours  
2 reduced or altered to accommodate the placement of an extern in  
3 an establishment. Prior to placement of the extern, the  
4 establishment shall agree in writing sent to the school and to all  
5 affected licensees that no reduction or alteration of any licensee's  
6 current work schedule shall occur. This shall not prevent a licensee  
7 from voluntarily reducing or altering his or her work schedule.

8 (6) Externs shall wear conspicuous school identification at all  
9 times while working in the establishment, and shall carry a school  
10 laminated identification, that includes a picture, in a form approved  
11 by the board.

12 (d) (1) No less than 90 percent of the responsibilities and duties  
13 of the extern shall consist of the acts included within the practice  
14 of cosmetology as defined in Section 7316.

15 (2) The establishment shall consult with the assigning school  
16 regarding the extern's progress during the unpaid externship. The  
17 owner or manager of the establishment shall monitor and report  
18 on the student's progress to the school on a regular basis, with  
19 assistance from supervising licensees.

20 (3) A participating school shall assess the extern's learning  
21 outcome from the externship program. The school shall maintain  
22 accurate records of the extern's educational experience in the  
23 externship program and records that indicate how the extern's  
24 learning outcome translates into course credit.

25 (e) Participation in an externship program made available by a  
26 school shall be voluntary, may be terminated by the student at any  
27 time, and shall not be a prerequisite for graduation.

28 (f) The cosmetology establishment that chooses to utilize the  
29 extern is liable for the extern's general liability insurance, as well  
30 as cosmetology malpractice liability insurance, and shall furnish  
31 proof to the participating school that the establishment is covered  
32 by both forms of liability insurance and that the extern is covered  
33 under that insurance.

34 (g) (1) It is the purpose of the externship program authorized  
35 by this section to provide students with skills, knowledge, and  
36 attitudes necessary to acquire employment in the field for which  
37 they are being trained, and to extend formalized classroom  
38 instruction.

1 (2) Instruction shall be based on skills, knowledge, attitudes,  
2 and performance levels in the area of cosmetology for which the  
3 instruction is conducted.

4 (3) An extern may perform only acts listed within the definition  
5 of the practice of cosmetology as provided in Section 7316, if a  
6 licensee directly supervises those acts, except that an extern may  
7 not use or apply chemical treatments unless the extern has received  
8 appropriate training in application of those treatments from an  
9 approved cosmetology school. An extern may work on a paying  
10 client only in an assisting capacity and only with the direct and  
11 immediate supervision of a licensee.

12 (4) The extern shall not perform any work in a manner that  
13 would violate law.

14 ~~SEC. 8:~~

15 *SEC. 27.* Section 7401 of the Business and Professions Code  
16 is amended to read:

17 7401. (a) An individual licensed pursuant to Section 7396  
18 shall report to the board at the time of license renewal, his or her  
19 practice status, designated as one of the following:

- 20 (1) Full-time practice in California.  
21 (2) Full-time practice outside of California.  
22 (3) Part-time practice in California.  
23 (4) Not working in the industry.  
24 (5) Retired.  
25 (6) Other practice status, as may be further defined by the board.

26 (b) An individual licensed pursuant to Section 7396 shall, at the  
27 time of license renewal, identify himself or herself on the  
28 application as one of the following:

- 29 (1) Employee.  
30 (2) Independent contractor or booth renter.  
31 (3) Salon owner.

32 (c) An individual licensed pursuant to Section 7347 shall report  
33 to the board at the time of license renewal, whether either of the  
34 following is applicable to him or her:

- 35 (1) He or she has a booth renter operating in the establishment.  
36 (2) He or she has an independent contractor operating in the  
37 establishment.

38 ~~SEC. 9:~~

39 *SEC. 28.* Section 7402.5 is added to the Business and  
40 Professions Code, to read:

1 7402.5. (a) For purposes of this section, a “personal service  
2 permit” means a permit that authorizes an individual to perform  
3 services, for which he or she holds a license pursuant to this  
4 chapter, outside of an establishment, as defined in Section 7346,  
5 in accordance with the regulations established by the board.

6 (b) The board may issue a personal service permit to an  
7 individual who meets the criteria for a personal service permit set  
8 forth in regulation.

9 (c) The board shall issue regulations regarding a personal service  
10 permit. In establishing the regulations, the board shall hold, at a  
11 minimum, two stakeholder meetings.

12 (1) The board shall determine the appropriate licensing  
13 categories that may apply for a personal service permit in order to  
14 protect consumer safety.

15 (2) The board shall authorize a personal service permit holder  
16 to perform services outside of a licensed establishment.

17 (3) The board shall not exempt a personal service permit holder  
18 from any of the board’s existing regulations or requirements on  
19 health and safety.

20 (4) The board shall not require a personal service permit holder  
21 to be employed by an establishment, unless the board determines  
22 that it would be necessary in order to maintain consumer safety.

23 (5) The regulations may require an applicant for a personal  
24 service permit to have proof of liability insurance and to pass a  
25 criminal background clearance.

26 (d) A personal service permit shall be valid for two years and  
27 shall be renewed prior to expiration. The fee for a personal service  
28 permit shall be no greater than fifty dollars (\$50). The fee for the  
29 renewal of a personal service permit shall be no greater than fifty  
30 dollars (\$50). The delinquency fee shall be 50 percent of the  
31 renewal fee in effect on the date of the renewal.

32 (e) The board shall report on the progress of the regulatory  
33 process and issuance of personal service permits to the Legislature  
34 on or before July 1, 2017.

35 (1) The report shall be submitted in compliance with Section  
36 9795 of the Government Code.

37 (2) The requirement to report to the Legislature under this  
38 subdivision is inoperative on July 1, 2021, pursuant to Section  
39 10231.5 of the Government Code.

~~SEC. 10.~~

SEC. 29. Section 7404 of the Business and Professions Code is amended to read:

7404. The grounds for disciplinary action are as follows:

(a) Unprofessional conduct which includes, but is not limited to, any of the following:

(1) Incompetence or gross negligence, including failure to comply with generally accepted standards for the practice of barbering, cosmetology, or electrology or disregard for the health and safety of patrons.

(2) Repeated similar negligent acts.

(3) Conviction of any crime substantially related to the qualifications, functions, or duties of the licenseholder, in which case, the records of conviction or a certified copy shall be conclusive evidence thereof.

(4) Advertising by means of knowingly false or deceptive statements.

(b) Failure to comply with the requirements of this chapter.

(c) Failure to comply with the rules governing health and safety adopted by the board and approved by the State Department of Public Health, for the regulation of establishments, or any practice licensed and regulated under this chapter.

(d) Failure to comply with the rules adopted by the board for the regulation of establishments, or any practice licensed and regulated under this chapter.

(e) Continued practice by a person knowingly having an infectious or contagious disease.

(f) Habitual drunkenness, habitual use of or addiction to the use of any controlled substance.

(g) Obtaining or attempting to obtain practice in any occupation licensed and regulated under this chapter, or money, or compensation in any form, by fraudulent misrepresentation.

(h) Failure to display the license or health and safety rules and regulations in a conspicuous place.

(i) Engaging, outside of a licensed establishment and for compensation in any form whatever, in any practice for which a license is required under this chapter, except that when the service is provided because of illness or other physical or mental incapacitation of the recipient of the service and when performed

1 by a licensee obtained for the purpose from a licensed  
2 establishment.

3 (j) Permitting a license to be used where the holder is not  
4 personally, actively, and continuously engaged in business.

5 (k) The making of any false statement as to a material matter  
6 in any oath or affidavit, which is required by the provisions of this  
7 chapter.

8 (l) Refusal to permit or interference with an inspection  
9 authorized under this chapter.

10 (m) Any action or conduct which would have warranted the  
11 denial of a license.

12 (n) Failure to surrender a license that was issued in error or by  
13 mistake.

14 ~~SEC. 11.~~

15 *SEC. 30.* Section 7407 of the Business and Professions Code  
16 is amended to read:

17 7407. The board shall establish by regulation a schedule of  
18 administrative fines for violations of this chapter. All moneys  
19 collected under this section shall be deposited in the board's  
20 contingent fund.

21 The schedule shall indicate for each type of violation whether,  
22 in the board's discretion, the violation can be corrected. The board  
23 shall ensure that it and the Bureau for Private Postsecondary  
24 Education do not issue citations for the same violation.

25 *SEC. 31. Section 7685 of the Business and Professions Code*  
26 *is amended to read:*

27 7685. (a) (1) Every funeral director shall provide to any  
28 person, upon beginning discussion of prices or of the funeral goods  
29 and services offered, a written or printed list containing, but not  
30 necessarily limited to, the price for professional services offered,  
31 which may include the funeral director's services, the preparation  
32 of the body, the use of facilities, and the use of automotive  
33 equipment. All services included in this price or prices shall be  
34 enumerated. The funeral director shall also provide a statement on  
35 that list that gives the price range for all caskets offered for sale.

36 (2) The list shall also include a statement indicating that the  
37 survivor of the deceased who is handling the funeral arrangements,  
38 or the responsible party, is entitled to receive, prior to the drafting  
39 of any contract, a copy of any preneed agreement that has been

1 signed and paid for, in full or in part, by or on behalf of the  
2 deceased, and that is in the possession of the funeral establishment.

3 (3) The funeral director shall also provide a written statement  
4 or list that, at a minimum, specifically identifies a particular casket  
5 or caskets by price and by thickness of metal, or type of wood, or  
6 other construction, interior and color, in addition to other casket  
7 identification requirements under Part 453 of Title 16 of the Code  
8 of Federal Regulations and any subsequent version of this  
9 regulation, when a request for specific information on a casket or  
10 caskets is made in person by any individual. Prices of caskets and  
11 other identifying features such as thickness of metal, or type of  
12 wood, or other construction, interior and color, in addition to other  
13 casket identification requirements required to be given over the  
14 telephone by Part 453 of Title 16 of the Code of Federal  
15 Regulations and any subsequent version of this regulation, shall  
16 be provided over the telephone, if requested.

17 (b) (1) Each licensed funeral establishment that maintains an  
18 Internet Web site shall post on its Internet Web site the list of  
19 funeral goods and services that are required to be included in the  
20 establishment's general price list, pursuant to federal rule, and a  
21 statement that the general price list is available upon request.

22 (2) Information posted pursuant to paragraph (1) shall be  
23 provided by a link from the ~~home page~~ *homepage* of the Internet  
24 ~~Web site~~ *site with a word or combination of words, including, but*  
25 *not limited to, "goods," "merchandise," "products," or*  
26 *"services."*

27 (3) An establishment that posts on its Internet Web site home  
28 page the words "price information" or a similar phrase that includes  
29 the word "price," with a link that leads to the establishment's  
30 general price list, need not comply with paragraphs (1) or (2).

31 (4) Nothing in this subdivision shall be construed to affect an  
32 establishment's obligations under federal or state law effective  
33 prior to January 1, 2013.

34 (5) This subdivision shall become operative on January 1, 2013.

35 *SEC. 32. Section 7818 of the Business and Professions Code*  
36 *is amended to read:*

37 7818. The board, pursuant to the provisions contained in  
38 ~~Chapter 4.5 3.5~~ (commencing with Section ~~11371~~ *11340*) of Part  
39 1 of Division 3 of Title 2 of the Government Code, may adopt,

1 amend or repeal rules and regulations to carry out the provisions  
2 of this chapter.

3 *SEC. 33. Section 8508 of the Business and Professions Code*  
4 *is amended to read:*

5 8508. “Household” means any structure and its contents ~~which~~  
6 ~~that~~ are used for ~~man and his~~ *persons and their* convenience.

7 *SEC. 34. Section 8513 of the Business and Professions Code*  
8 *is amended to read:*

9 8513. (a) The board shall prescribe a form entitled “Notice to  
10 Owner” that shall describe, in nontechnical language and in a clear  
11 and coherent manner using words with common and everyday  
12 meaning, the pertinent provisions of this state’s mechanics lien  
13 laws and the rights and responsibilities of an owner of property  
14 and a registered pest control company thereunder. Each company  
15 registered under this chapter, prior to entering into a contract with  
16 an owner for work for which a company registration is required,  
17 shall give a copy of this “Notice to Owner” to the owner, his or  
18 her agent, or the payer.

19 (b) No company that is required to be registered under this  
20 chapter shall require or request a waiver of lien rights from any  
21 subcontractor, employee, or supplier.

22 (c) Each company registered under this chapter that acts as a  
23 subcontractor for another company registered under this chapter  
24 shall, within 20 days of commencement of any work for which a  
25 company registration is required, give the preliminary notice in  
26 accordance with Chapter 2 (commencing with Section 8200) of  
27 Title 2 of Part 6 of Division 4 of the Civil Code, to the owner, his  
28 or her agent, or the payer.

29 (d) Each company registered under this chapter that acts as a  
30 prime contractor for work for which a company registration is  
31 required shall, prior to accepting payment for the work, furnish to  
32 the owner, his or her agent, or the payer a full and unconditional  
33 release from any claim of mechanics lien by any subcontractor  
34 entitled to enforce a mechanics lien pursuant to Section 8410 of  
35 the Civil Code.

36 (e) Each company registered under this chapter that subcontracts  
37 to another company registered under this chapter work for which  
38 a company registration is required shall furnish to the subcontractor  
39 the name of the owner, his or her agent, or the payer.



1     ~~(f) The provisions of this section shall be applicable only to~~  
2     ~~those registered companies, as defined in Section 8506.1, operating~~  
3     ~~pursuant to a Branch 1 or Branch 3 registration.~~

4     ~~(g)~~

5     (f) A violation of the provisions of this section is a ground for  
6     disciplinary action.

7     SEC. 35. *Section 8516.5 of the Business and Professions Code*  
8     *is repealed.*

9     ~~8516.5. Any registered company that makes an inspection of~~  
10    ~~any property relating to the absence or presence of wood destroying~~  
11    ~~pests or organisms on such property and makes a report of such~~  
12    ~~inspection shall furnish a copy of the report either to the owner of~~  
13    ~~the property or to the agent of the owner, within 10 working days~~  
14    ~~after the date the inspection is commenced, except an inspection~~  
15    ~~report prepared for use by an attorney for litigation is not required~~  
16    ~~to be furnished.~~

17    SEC. 36. *Section 8552 of the Business and Professions Code*  
18    *is amended to read:*

19    8552. It is unlawful for any person to advertise or represent in  
20    any manner that any pest control work, in whole or in part, has  
21    been done upon any structure, unless the work has been performed  
22    by a ~~company registered under~~ *registered company, except as*  
23    *otherwise provided in this chapter.*

24    SEC. 37. *Section 8611 of the Business and Professions Code*  
25    *is amended to read:*

26    8611. (a) Each branch office shall have a branch supervisor  
27    designated by the registered company to supervise and assist the  
28    company's employees who are located at that branch. The branch  
29    supervisor shall be an individual who is licensed by the board as  
30    an operator or a field representative *in the branch or branches of*  
31    *business being conducted* and his or her license shall be  
32    prominently displayed in the branch office.

33    (b) If a branch supervisor ceases for any reason to be connected  
34    with a registered company, the company shall notify the registrar  
35    in writing within 10 days from that cessation. If this notice is given,  
36    the company's branch office registration shall remain in force for  
37    a reasonable length of time to be determined by rules of the board,  
38    during which period the company shall submit to the registrar in  
39    writing the name of another qualified branch supervisor.

1     *SEC. 38. Section 17913 of the Business and Professions Code*  
2     *is amended to read:*

3     17913. (a) The fictitious business name statement shall contain  
4     all of the information required by this subdivision and shall be  
5     substantially in the following form:

6  
7                   FICTITIOUS BUSINESS NAME STATEMENT

8     The following person (persons) is (are) doing business as

9     \* \_\_\_\_\_  
10    at \*\* \_\_\_\_\_:

11       \*\*\* \_\_\_\_\_  
12       \_\_\_\_\_

13       \_\_\_\_\_

14       \_\_\_\_\_

15     This business is conducted by \*\*\*\* \_\_\_\_\_

16     The registrant commenced to transact business under the fictitious business  
17     name or names listed above on

18                   \*\*\*\*\* \_\_\_\_\_

19     I declare that all information in this statement is true and correct. (A registrant  
20     who declares as true any material matter pursuant to Section 17913 of the  
21     Business and Professions Code that the registrant knows to be false is guilty  
22     of a misdemeanor punishable by a fine not to exceed one thousand dollars  
23     (\$1,000).)

24     Registrant signature \_\_\_\_\_

25     Statement filed with the County Clerk of \_\_\_\_ County on \_\_\_\_\_  
26

27     NOTICE—IN ACCORDANCE WITH SUBDIVISION (a) OF  
28     SECTION 17920, A FICTITIOUS NAME STATEMENT  
29     GENERALLY EXPIRES AT THE END OF FIVE YEARS FROM  
30     THE DATE ON WHICH IT WAS FILED IN THE OFFICE OF  
31     THE COUNTY CLERK, EXCEPT, AS PROVIDED IN  
32     SUBDIVISION (b) OF SECTION 17920, WHERE IT EXPIRES  
33     40 DAYS AFTER ANY CHANGE IN THE FACTS SET FORTH  
34     IN THE STATEMENT PURSUANT TO SECTION 17913  
35     OTHER THAN A CHANGE IN THE RESIDENCE ADDRESS  
36     OF A REGISTERED OWNER. A NEW FICTITIOUS BUSINESS  
37     NAME STATEMENT MUST BE FILED BEFORE THE  
38     EXPIRATION.

39     THE FILING OF THIS STATEMENT DOES NOT OF ITSELF  
40     AUTHORIZE THE USE IN THIS STATE OF A FICTITIOUS

1 BUSINESS NAME IN VIOLATION OF THE RIGHTS OF  
2 ANOTHER UNDER FEDERAL, STATE, OR COMMON LAW  
3 (SEE SECTION 14411 ET SEQ., BUSINESS AND  
4 PROFESSIONS CODE).

5  
6 (b) The fictitious business name statement shall contain the  
7 following information set forth in the manner indicated in the form  
8 provided by subdivision (a):

9 (1) Where the asterisk (\*) appears in the form, insert the  
10 fictitious business name or names. Only those businesses operated  
11 at the same address and under the same ownership may be listed  
12 on one fictitious business name statement.

13 (2) Where the two asterisks (\*\*) appear in the form: If the  
14 registrant has a place of business in this state, insert the street  
15 address, and county, of his or her principal place of business in  
16 this state. If the registrant has no place of business in this state,  
17 insert the street address, and county, of his or her principal place  
18 of business outside this state.

19 (3) Where the three asterisks (\*\*\*) appear in the form: If the  
20 registrant is an individual, insert his or her full name and residence  
21 address. If the registrants are a married couple, insert the full name  
22 and residence address of both parties to the marriage. If the  
23 registrant is a general partnership, copartnership, joint venture, or  
24 limited liability partnership, insert the full name and residence  
25 address of each general partner. If the registrant is a limited  
26 partnership, insert the full name and residence address of each  
27 general partner. If the registrant is a limited liability company,  
28 insert the name and address of the limited liability company, as  
29 set out in its articles of organization on file with the California  
30 Secretary of State, and the state of organization. If the registrant  
31 is a trust, insert the full name and residence address of each trustee.  
32 If the registrant is a corporation, insert the name and address of  
33 the corporation, as set out in its articles of incorporation on file  
34 with the California Secretary of State, and the state of  
35 incorporation. If the registrants are state or local registered  
36 domestic partners, insert the full name and residence address of  
37 each domestic partner. If the registrant is an unincorporated  
38 association other than a partnership, insert the name of each person  
39 who is interested in the business of the association and whose

1 liability with respect to the association is substantially the same  
2 as that of a general partner.

3 (4) Where the four asterisks (\*\*\*\*) appear in the form, insert  
4 whichever of the following best describes the nature of the  
5 business: (i) “an individual,” (ii) “a general partnership,” (iii) “a  
6 limited partnership,” (iv) “a limited liability company,” (v) “an  
7 unincorporated association other than a partnership,” (vi) “a  
8 corporation,” (vii) “a trust,” (viii) “copartners,” (ix) ~~“a~~ “a married  
9 couple,” (x) “joint venture,” (xi) “state or local registered domestic  
10 partners,” or (xii) “a limited liability partnership.”

11 (5) Where the five asterisks (\*\*\*\*\* ) appear in the form, insert  
12 the date on which the registrant first commenced to transact  
13 business under the fictitious business name or names listed, if  
14 already transacting business under that name or names. If the  
15 registrant has not yet commenced to transact business under the  
16 fictitious business name or names listed, insert the statement, “Not  
17 applicable.”

18 (c) The registrant shall declare that all of the information in the  
19 fictitious business statement is true and correct. A registrant who  
20 declares as true any material matter pursuant to this section that  
21 the registrant knows to be false is guilty of a misdemeanor  
22 punishable by a fine not to exceed one thousand dollars (\$1,000).

23 (d) (1) At the time of filing of the fictitious business name  
24 statement, the registrant filing on behalf of the registrant shall  
25 present personal identification in the form of a California driver’s  
26 license or other government identification acceptable to the county  
27 clerk to adequately determine the identity of the registrant filing  
28 on behalf of the registrant as provided in subdivision (e) and the  
29 county clerk may require the registrant to complete and sign an  
30 affidavit of identity.

31 (2) In the case of a registrant utilizing an agent for submission  
32 of the registrant’s fictitious business name statement for filing, at  
33 the time of filing of the fictitious business name statement, the  
34 agent filing on behalf of the registrant shall present personal  
35 identification in the form of a California driver’s license or other  
36 government identification acceptable to the county clerk to  
37 adequately determine the identity of the agent filing on behalf of  
38 the registrant as provided in subdivision (e). The county clerk may  
39 also require the agent to submit a notarized statement signed by

1 the registrant declaring the registrant has authorized the agent to  
2 submit the filing on behalf of the registrant.

3 (e) If the registrant is a corporation, a limited liability company,  
4 a limited partnership, or a limited liability partnership, the county  
5 clerk may require documentary evidence issued by the *California*  
6 Secretary of State and deemed acceptable by the county clerk,  
7 indicating the current existence and good standing of that business  
8 entity to be attached to a completed and notarized affidavit of  
9 identity, for purposes of subdivision (d).

10 (f) The county clerk may require a registrant that mails a  
11 fictitious business name statement to a county clerk's office for  
12 filing to submit a completed and notarized affidavit of identity. A  
13 registrant that is a corporation, limited liability company, limited  
14 partnership, or limited liability partnership, if required by the  
15 county clerk to submit an affidavit of identity, shall also submit  
16 documentary evidence issued by the *California* Secretary of State  
17 indicating the current existence and good standing of that business  
18 entity.

19 (g) A county clerk that chooses to establish procedures pursuant  
20 to this section shall prescribe the form of affidavit of identity for  
21 filing by a registrant in that county.

22 *SEC. 39. Section 13995.40 of the Government Code is amended*  
23 *to read:*

24 13995.40. (a) Upon approval of the initial referendum, the  
25 office shall establish a nonprofit mutual benefit corporation named  
26 the California Travel and Tourism Commission. The commission  
27 shall be under the direction of a board of commissioners, which  
28 shall function as the board of directors for purposes of the  
29 Nonprofit Corporation Law.

30 (b) The board of commissioners shall consist of 37  
31 commissioners comprising the following:

32 (1) The director, who shall serve as chairperson.

33 (2) (A) Twelve members, who are professionally active in the  
34 tourism industry, and whose primary business, trade, or profession  
35 is directly related to the tourism industry, shall be appointed by  
36 the Governor. Each appointed commissioner shall represent only  
37 one of the 12 tourism regions designated by the office, and the  
38 appointed commissioners shall be selected so as to represent, to  
39 the greatest extent possible, the diverse elements of the tourism

1 industry. Appointed commissioners are not limited to individuals  
2 who are employed by or represent assessed businesses.

3 (B) If an appointed commissioner ceases to be professionally  
4 active in the tourism industry or his or her primary business, trade,  
5 or profession ceases to be directly related to the tourism industry,  
6 he or she shall automatically cease to be an appointed  
7 commissioner 90 days following the date on which he or she ceases  
8 to meet both of the eligibility criteria specified in subparagraph  
9 (A), unless the commissioner becomes eligible again within that  
10 90-day period.

11 (3) Twenty-four elected commissioners, including at least one  
12 representative of a travel agency or tour operator that is an assessed  
13 business.

14 (c) The commission established pursuant to Section 15364.52  
15 shall be inoperative so long as the commission established pursuant  
16 to this section is in existence.

17 (d) Elected commissioners shall be elected by industry category  
18 in a referendum. Regardless of the number of ballots received for  
19 a referendum, the nominee for each commissioner slot with the  
20 most weighted votes from assessed businesses within that industry  
21 category shall be elected commissioner. In the event that an elected  
22 commissioner resigns, dies, or is removed from office during his  
23 or her term, the commission shall appoint a replacement from the  
24 same industry category that the commissioner in question  
25 represented, and that commissioner shall fill the remaining term  
26 of the commissioner in question. The number of commissioners  
27 elected from each industry category shall be determined by the  
28 weighted percentage of assessments from that category.

29 (e) The director may remove any elected commissioner  
30 following a hearing at which the commissioner is found guilty of  
31 abuse of office or moral turpitude.

32 (f) (1) The term of each elected commissioner shall commence  
33 July 1 of the year next following his or her election, and shall  
34 expire on June 30 of the fourth year following his or her election.  
35 If an elected commissioner ceases to be employed by or with an  
36 assessed business in the category and segment which he or she  
37 was representing, his or her term as an elected commissioner shall  
38 automatically terminate 90 days following the date on which he  
39 or she ceases to be so employed, unless, within that 90-day period,

1 the commissioner again is employed by or with an assessed  
2 business in the same category and segment.

3 (2) Terms of elected commissioners that would otherwise expire  
4 effective December 31 of the year during which legislation adding  
5 this subdivision is enacted shall automatically be extended until  
6 June 30 of the following year.

7 (g) With the exception of the director, no commissioner shall  
8 serve for more than two consecutive terms. For purposes of this  
9 subdivision, the phrase “two consecutive terms” shall not include  
10 partial terms.

11 (h) Except for the original commissioners, all commissioners  
12 shall serve four-year terms. One-half of the commissioners  
13 originally appointed or elected shall serve a two-year term, while  
14 the remainder shall serve a four-year term. Every two years  
15 thereafter, one-half of the commissioners shall be appointed or  
16 elected by referendum.

17 (i) The selection committee shall determine the initial slate of  
18 candidates for elected commissioners. Thereafter the  
19 commissioners, by adopted resolution, shall nominate a slate of  
20 candidates, and shall include any additional candidates complying  
21 with the procedure described in Section 13995.62.

22 (j) The commissioners shall elect a vice chairperson from the  
23 elected commissioners.

24 (k) The commission may lease space from the office.

25 (l) The commission and the office shall be the official state  
26 representatives of California tourism.

27 ~~(m) A California location shall be available for all commission~~  
28 ~~meetings.~~

29 *(m) (1) All commission meetings shall be held in California.*

30 *(2) Commissioners may participate in meetings by means of*  
31 *conference telephone and other technology.*

32 (n) No person shall receive compensation for serving as a  
33 commissioner, but each commissioner shall receive reimbursement  
34 for reasonable expenses incurred while on authorized commission  
35 business.

36 (o) Assessed businesses shall vote only for commissioners  
37 representing their industry category.

38 (p) Commissioners shall comply with the requirements of the  
39 Political Reform Act of 1974 (Title 9 (commencing with Section  
40 81000)). The Legislature finds and declares that commissioners

1 appointed or elected on the basis of membership in a particular  
2 tourism segment are appointed or elected to represent and serve  
3 the economic interests of those tourism segments and that the  
4 economic interests of these members are the same as those of the  
5 public generally.

6 (q) Commission meetings shall be subject to the requirements  
7 of the Bagley-Keene Open Meeting Act (Article 9 (commencing  
8 with Section 11120) of Chapter 1 of Part 1).

9 (r) The executive director of the commission shall serve as  
10 secretary to the commission, a nonvoting position, and shall keep  
11 the minutes and records of all commission meetings.

12 *SEC. 40. No reimbursement is required by this act pursuant*  
13 *to Section 6 of Article XIII B of the California Constitution because*  
14 *the only costs that may be incurred by a local agency or school*  
15 *district will be incurred because this act creates a new crime or*  
16 *infraction, eliminates a crime or infraction, or changes the penalty*  
17 *for a crime or infraction, within the meaning of Section 17556 of*  
18 *the Government Code, or changes the definition of a crime within*  
19 *the meaning of Section 6 of Article XIII B of the California*  
20 *Constitution.*